

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JANINE WEATHINGTON, #178869,

Plaintiff,

CIVIL ACTION NO. 12-13573

v.

DISTRICT JUDGE JOHN CORBETT O'MEARA

CITY OF DETROIT, et al.,

MAGISTRATE JUDGE MARK A. RANDON

Defendants.

REPORT AND RECOMMENDATION TO DISMISS DEFENDANT E. BROWN

On August 21, 2012, the Court ordered the United States Marshal to serve Defendants. (Dkt. No. 5). On September 10, 2012, the U.S. Marshal mailed the Complaint to Defendants "Eland" and "E Brown." On November 2, 2012, the Waiver of Service was returned Unexecuted as to these Defendants, because there are too many people with similar names.

On December 12, 2012, the Court ordered Plaintiff to provide additional information regarding "Eland" and "E Brown" (e.g., first names) so that these Defendants could be properly identified and the U.S. Marshal could serve them with the Complaint. (Dkt. No. 12). The Court warned that Plaintiff's failure to provide adequate identifying information may result in the dismissal of Defendants "Eland" and "E Brown." Plaintiff responded on December 21, 2012, but failed to provide any additional information regarding "E Brown." (Dkt. No. 13).

Accordingly, **IT IS RECOMMENDED** that Defendant "E Brown" be **DISMISSED WITHOUT PREJUDICE**.

The parties to this action may object to and seek review of this Report and

Recommendation, but are required to act within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 508 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). The filing of objections which raise some issues, but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. *See Willis v. Sec'y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be no more than 20 pages in length unless, by motion and order, the page limit is extended by the court. The response shall address each issue contained within the objections specifically and in the same order raised.

s/Mark A. Randon
 MARK A. RANDON
 UNITED STATES MAGISTRATE JUDGE

Dated: January 17, 2013

Certificate of Service

I hereby certify that a copy of the foregoing document was served on the parties of record on this date, January 17, 2013, electronically and by first class mail.

s/Eddrey O. Butts
 Case Manager to Magistrate Judge Mark A. Randon